

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTINE E. WEBBER,

Plaintiff,

NO. CV-07-0002-EFS

v.

KELLY STADY and JANE DOE
STADY; husband and wife, and
SWIFT LEASING COMPANY, INC.,

ORDER REMANDING MATTER TO
STATE COURT FOR LACK OF
SUBJECT MATTER JURISDICTION

Defendants.

On January 2, 2007, Defendant Swift Leasing Company Inc. in this action filed a notice of removal, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. (Ct. Rec. 1.) Defendant's Notice of Removal identified both *Plaintiff* and *Defendant Stady* as citizens and residents of the state of Washington (Ct. Rec. 1 at 2), and Plaintiff's complaint confirms that both Plaintiff and Defendant Kelly Stady reside in Spokane County, Washington.

On January 22, 2007 the Court issued an Order to Show Cause Why Case should Not be Remanded for Lack of Subject Matter Jurisdiction (Ct. Rec. 3). The basis for this order was the facial lack of complete diversity of the parties. See *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch.) 267, 2 L. ed 435 (1806). The Court instructed the parties

1 that, if the removing Defendant concurred with the Court's
2 jurisdictional analysis, no briefing need be filed, and this order
3 would issue after January 30, 2007. No objection to remand was filed.

4 **IT IS HEREBY ORDERED**, on the Court's sua sponte review and Order
5 to Show Cause (Ct. Rec. 3), this matter is **REMANDED**.

6 **IT IS SO ORDERED**. The District Court Executive is directed to:
7 enter this Order; provide copies to all counsel; provide a certified
8 copy to the **Clerk of the Superior Court of the State of Washington, in**
9 **and for the County of Spokane, Civil** Case Number: 06-2-03993-3; **REMAND**
10 **THIS CASE** to the Superior Court of the State of Washington, in and for
11 the County of Spokane; and **close the file**.

12 **DATED** this 1st day of February, 2007.

13
14 S/ Edward F. Shea
15 EDWARD F. SHEA
United States District Judge

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